

COPY

(2)

United States District Court
middle DISTRICT OF Pennsylvania

Phan Hué,
 v.

James Updike, et al.

APPLICATION TO PROCEED IN
 FORMA PAUPERIS, SUPPORTING
 DOCUMENTATION AND ORDER

CASE NUMBER:

1:CV01-1064

Phan Hué

declare that I am the (check appropriate box)

- petitioner/plaintiff
 respondent/defendant

 movant (filing 28 U.S.C. 2255 motion)

42 U.S.C. § 1983
 other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present are briefly stated as follows:

*Violation of the 8th Amendment to the U.S. Constitution.
 Violation of the 1st Amendment to the U.S. Constitution through the 14th Amendment to the U.S. Constitution.*

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or other form of self-employment
 b. Rent payments, interest or dividends?
 c. Pensions, annuities or life insurance payments?
 d. Gifts or inheritances?
 e. Any other sources?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Date

United States Judge
or Magistrate

Date

United States Judge

The application is hereby granted. Let the applicant proceed without prepayment of giving security therefore.

cost or fees or the necessity of giving security

The application is hereby denied

ORDER OF COURT

Approved Officer of Institution

COPY OF ACCOUNT FOR PAIR SIX MONTHS 1977 RECEIVED
I further certify that during the last six months the applicant's average balance was \$ 484.58

I certify that the applicant named herein has the sum of \$ 695.49
on account to his credit at the S.C.I. RE TRECERAT
in institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution:

(Prisoner Accounts Only)

CERTIFICATE

(Date)

Executed on 6-10-2001

I declare under penalty of perjury that the foregoing is true and correct.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

If the answer is "yes," describe the property and state its approximate value.

Yes No

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

\$ 700.00

If the answer is "yes," state the total value of the items owned.

Yes No (Include any funds in prison accounts.)

3. Do you own any cash, or do you have money in checking or savings accounts?

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

PA DEPT. OF CORRECTIONS
 BUREAU OF COMPUTER SERVICES
 REMOTE PRINT TIME 8:04

INMATE ACCOUNTS SYSTEM
 PARTIAL ACCOUNT LISTING
 FROM ACTIVE FILE

RUN IAS365
 DATE 6/12/2001
 PAGE 1

INMATE NUMBER	NAME LAST PHAN	FIRST HUE	MI	STARTING BALANCE 458.50
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9104	04-05-2001	34 RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	450.87
1122	04-06-2001	11 INDUSTRIES PAYROLL C.I. LAUNDRY PAYROLL/MARCH	74.49	525.36
8100	04-10-2001	32 RET COMMISSARY FOR 4/10/2001	-28.88	496.48
1114	04-18-2001	37 POSTAGE POSTAGE FOR 4-18	-.80	495.68
1114	04-18-2001	37 POSTAGE POSTAGE FOR 4-18	-.80	494.88
1114	04-18-2001	37 POSTAGE POSTAGE FOR 4-18	-.80	494.08
8122	05-02-2001	32 RET COMMISSARY FOR 5/02/2001	-39.73	454.35
9105	05-03-2001	34 RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	446.72
1162	05-07-2001	11 INDUSTRIES PAYROLL C.I. LAUNDRY PAYROLL/APRIL	73.20	519.92
1169	05-11-2001	37 POSTAGE POSTAGE FOR 5-11	-.80	519.12
8142	05-22-2001	32 RET COMMISSARY FOR 5/22/2001	-16.87	502.25
1178	05-29-2001	13 PERSONAL GIFT FROM H TRAN	10.00	512.25
1178	05-29-2001	13 PERSONAL GIFT FROM HOA TRAN	10.00	522.25
1178	05-29-2001	13 PERSONAL GIFT FROM HOA TRAN	-100.00	622.25
9106	06-07-2001	34 RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	614.62
1199	06-08-2001	11 INDUSTRIES PAYROLL C.I. LAUNDRY MAY 2001 PAYROLL	80.80	695.42
BALANCE AFTER THESE TRANSACTIONS----->				695.42

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 8:04

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 6/12/2001
PAGE 1

INMATE NUMBER	NAME LAST PHAN	FIRST HUE	MI	STARTING BALANCE 415.21
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
997	01-02-2001 13	PERSONAL GIFT FROM HOA TRAN	100.00	515.21
8002	01-02-2001 32	RET COMMISSARY FOR 1/02/2001	-23.84	491.37
1005	01-05-2001 35	DENTAL/GLASSES EYEGLASSES/LENS, FRAMES, PHOTOGRA	-40.00	451.37
8009	01-09-2001 32	RET COMMISSARY FOR 1/09/2001	-3.77	447.60
1013	01-11-2001 10	MAINTENANCE PAYROLL PAYROLL FOR DECEMBER 2000	40.72	488.32
9101	01-11-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	480.69
1048	02-08-2001 10	MAINTENANCE PAYROLL PAYROLL FOR JANUARY 2001	38.12	518.81
9102	02-08-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	511.18
1031	02-12-2001 37	POSTAGE POSTAGE FOR 2-12	-.80	510.38
8045	02-14-2001 32	RET COMMISSARY FOR 2/14/2001	-41.96	468.42
1041	02-20-2001 36	PRINTED MATERIALS VENDACARD	-5.00	463.42
1031	02-20-2001 37	POSTAGE POSTAGE FOR 2-20	-.80	462.62
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	462.07
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	461.52
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	460.97
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	460.42
1074	02-27-2001 31	OUTSIDE PURCHASES RADIO VISION CRISTIANA	-10.00	450.42
8058	02-27-2001 32	RET COMMISSARY FOR 2/27/2001	-13.65	436.77
1090	03-08-2001 11	INDUSTRIES PAYROLL C.I. LAUNDRY PAYROLL-FEBRUARY	54.02	490.79
9103	03-08-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	483.16
1088	03-09-2001 10	MAINTENANCE PAYROLL PAYROLL FOR FEBRUARY	2.63	485.79
8072	03-13-2001 32	RET COMMISSARY FOR 3/13/2001	-27.29	458.50
BALANCE AFTER THESE TRANSACTIONS----->				458.50

PA DEPT. OF CORRECTIONS
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INMATE ACCOUNTS SYSTEM
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RUN IAS365
 DATE 6/12/2001
 PAGE 1

INMATE NUMBER	NAME LAST	FIRST HUE	MI	STARTING BALANCE
DY0577	PHAN			354.00

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER TRANSACTION	
			AMOUNT	BALANCE
9010	10-05-2000	34 RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	346.37
892	10-06-2000	10 MAINTENANCE PAYROLL PAYROLL FOR SEPTEMBER 2000	17.05	363.42
907	10-17-2000	14 MISCELLANEOUS CASH AWARD I.M. SOCCER CHAMPS	12.00	375.42
8313	11-08-2000	32 RET COMMISSARY FOR 11/08/2000	-26.68	348.74
933	11-09-2000	10 MAINTENANCE PAYROLL PAYROLL FOR OCTOBER 2000	35.16	383.90
9011	11-09-2000	34 RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	376.27
8333	11-28-2000	32 RET COMMISSARY FOR 11/28/2000	-21.60	354.67
9012	12-07-2000	34 RADIO/TV	-7.63	347.04
974	12-11-2000	10 MAINTENANCE PAYROLL PAYROLL FOR NOVEMBER 2000	37.90	384.94
969	12-12-2000	13 PERSONAL GIFT FROM PHUOC LE	50.00	434.94
981	12-18-2000	37 POSTAGE POSTAGE FOR 12-18	.60	434.34
8354	12-19-2000	32 RET COMMISSARY FOR 12/19/2000	-19.13	415.21
BALANCE AFTER THESE TRANSACTIONS----->				415.21